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Examining Group 1634

Patent Application

Docket No. G-077US03DIV

Serial No. 10/664,025

Frank C. Eisenschenk
Frank C. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : James Martinell, Ph.D.
Art Unit : 1634
Applicants : Jean-Baptiste Dumas Milne Edwards, Severin Jobert, Jean-Yves Giordano
Serial No. : 10/664,025
Filed : September 15, 2003
Conf. No. : 2603
For : EST's and Encoded Human Proteins

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Sir:

The Notice to File Corrected Application Papers mailed February 6, 2007 indicates that a replacement figure in compliance with 37 CFR 1.21 is required in the above-referenced patent application. Specifically, the Identification of Drawing Deficiencies indicates that "an ink stamp or an image obscures part of the illustration" on Figure 5.

On September 14, 2006, Applicants mailed an Amendment Under 37 C.F.R. § 1.111, along with replacement Figure 5. Applicants' undersigned representative respectfully asserts that replacement Figure 5 did not contain any images which obscured part of the illustration when the Amendment was filed. In addition, the Notice of Allowability dated December 8, 2006 indicates that

the "Drawings submitted September 19, 2006 are approved." Applicants' undersigned representative notes that replacement Figure 5 contained in the Image File Wrapper of the Patent Information Retrieval System shows a Patent and Trademark Office stamp by the OIPE dated September 19, 2006 (copy attached).

Applicants note that the filing of this response may result in a holding that Applicants caused delay in the prosecution of this matter and respectfully submit that they should not be charged with the causation of any delay in this respect as Figure 5 was submitted without text being obscured. Applicants respectfully submit that the OIPE stamp is actually a Patent Office caused delay and respectfully request that such a delay be reflected in any patent term adjustment calculations performed in this matter.

Transmitted herewith is a true and correct copy of Figure 5 (Replacement Sheet 5/10) submitted with Applicants' Amendment dated September 14, 2006. A copy of the Notice to File Corrected Application Papers received from the Patent and Trademark Office is attached hereto.

Although no additional fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0065.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

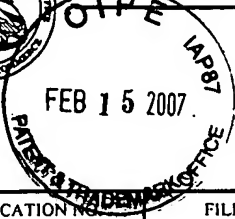
Address: P.O. Box 142950
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FCE/sl

Attachments: Copy of Figure 5 from PAIR showing OIPE stamp
Figure 5
Copy of Notice to File Corrected Application Papers



UNITED STATES PATENT AND TRADEMARK OFFICE

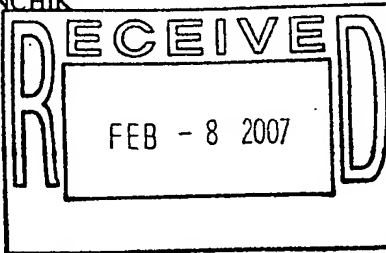


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,025	09/15/2003	Jean-Baptiste Dumas Milne Edwards	G-077US03DIV	2603
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EXAMINER

MARTINELL, JAMES

ART UNIT	PAPER NUMBER
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1634

MAIL DATE	DELIVERY MODE
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02/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Serial No. : 10/664025
Applicant : Edwards et al
Filing Date : 9/15/03
Date Mailed : 2/5/07

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to
"Mail Stop Issue Fee, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450".*

L Fletcher

Your name

Office of Patent Publication

Phone: 703-308-9250, ext. 143



Application No. 10/664 025 Drawings filed 9/19/06

IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) _____
- ☐ The character of the lines, numbers and letters is poor. FIG(s) _____
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) _____
- ☒ An ink stamp or an image obscures part of the illustration. FIG(s) 5
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) _____
- ☐ Figure numbers are duplicated or missing. FIG(s). _____
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) _____
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) _____
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) _____
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) _____
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.81(u)(1). FIG(s) _____
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) _____
- ☐ Color drawings are present in this application but the following CFR 1.84 (a) requirements have not been met*:
 - ☐ Petition filed
 - ☐ Petition fee
 - ☐ 3 sets of color drawings
 - ☐ Color drawing paragraph

*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS: